

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 13 -MJ- 117 (SSM)

VIRGIL LEE KIRKWOOD,
A/K/A VIRGIL CRENSHAW
A/K/A VIRGIL LEE CRENSHAW

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 6, 2012, in Ramsey County, in the State and District of Minnesota, defendant(s)

possessed and/or received a firearm which had been shipped in interstate commerce, after defendant KIRKWOOD was previously convicted of one or more crimes punishable by a term of imprisonment exceeding one year.

in violation of Title 18, United States Code, Section(s) 922(g)(1), 924(a)(2).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Complainant's signature

KYLIE WILLIAMSON, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/22/13City and state: St. Paul, Minnesota

Judge's signature

The Honorable Janie S. Mayeron

Printed name and title

SCANNED

FEB 25 2013

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF KYLIE M. WILLIAMSON

COUNTY OF RAMSEY)

I, Kylie M. Williamson, being duly sworn, depose and state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since August of 2007. Prior to that, your Affiant was employed by ATF for two years as an Industry Operations Investigator. Your Affiant is currently assigned to the St. Paul Group I Field Office, and works with various law enforcement agencies and drug task forces throughout the state of Minnesota. Your Affiant's responsibilities include conducting criminal investigations of individuals and organizations related to the violations of Federal laws, particularly those found in Titles 18, 21, and 26. Your Affiant has participated in numerous investigations which have resulted in arrests, searches, seizures, and convictions of individuals who have violated Federal law.

2. This Affidavit is submitted in support of a Complaint establishing probable cause to believe that on December 6, 2012, Virgil Lee KIRKWOOD (DOBs Used: 4/12/1989 and 4/18/1989); possessed a firearm in violation of Title 18, United States Code, Chapter 44, Sections 922(g)(1), 924(a)(2).

3. The facts set forth in this Affidavit are based on my personal knowledge and observations in this investigation, on my review of police reports, and on discussions I have had with other law enforcement personnel directly involved in the investigation. The facts set forth herein contain information sufficient to support probable cause. This Affidavit is not intended to convey all of the facts learned during the course of this investigation.

4. On December 6, 2012, Officers with the Saint Paul Police Department (hereinafter SPPD), received information from a Confidential Informant (CI) that KIRKWOOD was in possession of a firearm and was hanging out at the garage located at 768 Central Avenue in the city of Saint Paul, MN. The CI specifically described KIRKWOOD as the smaller male wearing a Chicago Bulls hat and specifically described the firearm KIRKWOOD possessed as being inside of a black sock.

5. A SPPD Officer familiar with both KIRKWOOD and the address of 768 Central Avenue, St. Paul, MN, drove past the described location and observed a group of males hanging out near the aforementioned garage, which was open. The SPPD Officer was not able to distinguish between any of the males standing in the group due to window tint, lack of daylight, and the speed by which he drove past the group of males.

6. Shortly thereafter, SPPD Officers coordinated an effort to approach the group of males at the 768 Central Avenue garage. As SPPD Officers approached, they observed that the garage door was now closed. Law enforcement recognized KIRKWOOD, who was standing outside of the closed garage. KIRKWOOD was wearing a Chicago Bulls hat. Law enforcement also observed that KIRKWOOD was now the only person standing outside the garage. Law enforcement stopped and detained KIRKWOOD, who also had an outstanding Anoka County warrant for an unrelated burglary matter.

7. SPPD Officers checked the immediate area where KIRKWOOD was stopped. Beneath a nearby garbage bin law enforcement located a pistol inside of a black sock. Law enforcement recovered the firearm.

8. The recovered firearm, a Sig Sauer, model P290RS, 9mm semi-automatic pistol, bearing serial number 26C005326, was stolen from a Federal Firearms Licensee (FFL) in Fridley, MN, on July 28, 2012.

9. KIRKWOOD was taken into custody. During a recorded post-Miranda interview on December 6, 2012, KIRKWOOD admitted that he (KIRKWOOD) had been at 768 Central Avenue, St. Paul, MN, to hang out and play dominos. KIRKWOOD denied possessing any firearm and/or having any knowledge that anyone else at the location possessed a firearm.

10. KIRKWOOD also voluntarily provided a sample of his (KIRKWOOD'S) DNA during his December 6, 2012, post-Miranda interview.

11. The Minnesota Bureau of Criminal Apprehension (BCA) performed DNA profiling on the known sample of KIRKWOOD'S DNA and the swabbing obtained from the recovered firearm. The laboratory examination concluded the following:

- Mixture of three or more individuals.
- Predominant DNA profile matches KIRKWOOD.
- Predominant DNA profile would not be expected to occur more than once among unrelated individuals in the world.
- Due to insufficient genetic information, no statement can be made on the minor types.

12. Your Affiant has also reviewed KIRKWOOD'S criminal history and determined that KIRKWOOD has at least the following convictions: Felony 2nd Degree Burglary (2010); Misdemeanor Domestic Violence - Inflict Bodily Harm (2010); Misdemeanor 3rd Degree Burglary (2010); Gross Misdemeanor 5th Degree Assault (2010); Felony 3rd Degree Burglary (2012). As a convicted felon, KIRKWOOD is prohibited from possessing firearms.

13. Based on my training and experience, it is common for persons who illegally possess firearms to attempt to hide or obfuscate that illegal possession from law enforcement, particularly

when law enforcement arrives. This would include efforts to ditch or stash a firearm away from the prohibited person's body.

14. Based in part on the above-referenced facts, on or about January 30, 2013, KIRKWOOD was charged for this conduct in the Second Judicial District, State of Minnesota, County of Ramsey, with Possession of Firearm by an Ineligible Person, in violation of Minnesota Statutes 624.713.1(2), 624.713.2(b), and 609.11.5(b). (Ramsey County Court File No. 62CR13-768).

15. Your Affiant determined that the firearm recovered from the area of KIRKWOOD'S arrest, namely, a Sig Sauer, model P290RS, 9mm semi-automatic pistol, bearing serial number: 26C005326, was manufactured outside of the State of Minnesota (New Hampshire). Therefore, at some point after manufacture, the aforementioned firearm traveled in interstate commerce and into the State of Minnesota as defined in Title 18, United States Code, Chapter 44, Section 921(g)(1).

16. Based on my training, experience, and participation in this and other investigations, I believe probable cause exists that Virgil Lee KIRKWOOD possessed a firearm in violation of Title 18, United States Code, Chapter 44, Sections 922(g)(1), 924(a)(2).

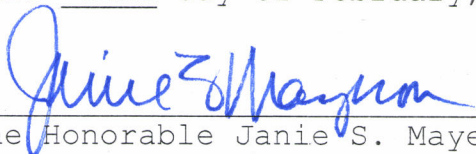
Further your Affiant sayeth not.



KYLIE M. WILLIAMSON
SPECIAL AGENT, ATF

SUBSCRIBED and SWORN to before me

this 22nd day of February, 2013



The Honorable Janie S. Mayeron
United States Magistrate Judge